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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/010,031

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Michael F. Angelo

1662-39900 JMH
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08/14/2006

EXAMINER

LASHLEY, LAUREL L

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/010,031	Applicant(s) ANGELO ET AL.	
	Examiner Laurel Lashley	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 0608.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-13,15-22,26,28,29 and 32-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-22,27 and 32-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-26, 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments filed on 06/08/06 with respect to claims 26, 28 and 29 and cancelled claims 1-2, 4-13, 15-22 and 32-35 have been accepted. Therefore claims 23-26 and 28-31 are pending.

Response to Arguments

2. Applicant's arguments with regard to claims 23 and 26 have been fully considered but they are not persuasive. Applicant asserts that Tycksen, Jr. et al. does not teach, as claim 23 requires, combining the retrieved first signed certificate with other values and then computing a hash of the resulting combination. The Examiner respectfully disagrees. Tycksen discloses the creation of a digital certificate and the selective placement of components (i.e. other values) with the digital certificate (see Figure 3 and associated text within the specification). Also, in Tycksen the use of the pound (#) sign denotes that a hashing algorithm has been applied to areas (i.e. components/other values) surrounded by the #-sign (see Abstract; Figure 1: pound (#) sign; column 5, lines 22 – 57). Therefore, the Examiner believes that Tycksen's teaching the creation of a digital certificate and the selection of components to included (i.e. combined) therewithin is equivalent to Applicant's claim limitation as is the depiction of the pound (#) sign for denoting that hashing has been performed on the digital certificate with components/other values.

Thus for at least these reasons, the Examiner maintains the rejection. All other claims not specifically identified are rejected by virtue of dependency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23 – 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Tycksen, Jr. et al. in US Patent 6,189,097 B1 (hereinafter US '097).

As it relates to claim 23, US '097 teaches:

A method of creating a remotely verifiable certificate (see column 3, line 38), comprising:

- (a) retrieving a first signed certificate (see column 4, line 12 and Figures 1 and 7);
- (b) combining together said first signed certificate with other values (see Figures 1 and 3);
- (c) computing a hash of the combination from (b) (see column 5, lines 52 – 53); and
- (d) signing said hash from (c) with a private key (see Figure 7 and column 9, lines 35 – 52).

For claim 24, US '097 teaches:

The method of claim 23 wherein said other values in (b) includes an IP address (see column 13, lines 22 – 23; where a digital certificate can carry a number of components; and see column 6, lines 65 – 66; where it is inherent that if a digital certificate can be stored on a personal computer (PC) it will contain that PC's IP address).

For claim 25, US '097 teaches:

The method of claim 23 wherein said other values in (b) includes a domain name (see column 13, lines 22 – 24 and column 6, line 47; where a website component is equivalent to a domain name).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to

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a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 26 – 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tycksen, Jr. et al in US Patent No. 6189097 (hereinafter US '097) and further in view of Sudia in US Patent No. 5659616 (hereinafter US '616).

As it pertains to claim 26, US '097 teaches:

A computer, comprising:

a processor ; and

a memory coupled to said processor; (see column 1, line 4 and 10; column 7, line 61: where it is inherent that a computer has memory and a processor) and teaches storage of a certificate (see column 8, lines 36 – 37) *and* said processor combines at least a portion of said first certificate with additional values, computes a hash of said combination, and encrypts said hash with a private key (see column 2, lines 49 – 55) *but does not explicitly* state storage for a first certificate and a second certificate, said second certificate derived from said first certificate.

Sudia however does teach wherein said memory includes storage for a first certificate and a second certificate, said second certificate derived from said first certificate (see 616: column 9, line 39 and 54 – 55; Figure 5, item 55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have known that the digital certificates as taught by Sudia could be initialized as disclosed by Tycksen et al., since they both teach use of a digital certificate within the same field of endeavor (trusted digital communication) and with the same problem sought to be solved (verifying digital communication).

For claim 28, US '097 shows a computer system wherein said additional values include an IP address (see column 13, lines 22 – 24 and column 6, lines 65 – 66).

For claim 29, US '097 shows a computer system but does not teach wherein said additional values include a domain name (see column 13, lines 22 – 24 and column 6, line 47).

For claim 30, US '097 shows a computer system wherein said first certificate includes a serial number (see Figure 1, item 11a).

For claim 31, US '097 shows a computer system wherein said first certificate is not created by the server (see Figure 3, item 102 and column 7, lines 59 – 62).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holmes et al. in US PGPub No. 2002/0116610 discloses customizable digital certificates where a first digital certificate is combined with a second digital certificate.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

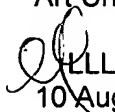
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurel Lashley whose telephone number is 571-272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley
Examiner
Art Unit 2132

 LLL
10 August 2006


KAMBIZ ZAND
PRIMARY EXAMINER